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July 8, 2003

Honorable Patti B. Saris
United States District Judge
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way – Suite 2300
Boston, MA 02210-3002

01-CV-17257

***RE: MDL-1456 — In Re Pharmaceutical Industry Average Wholesale Priced Litigation
Conditional Transfer Order (CTO-11):***

State of Connecticut v. GlaxoSmithKline PLC, et al. (D. Conn. Docket # 3:03CV0553(JCH))

State of Connecticut v. Pharmacia Corp. (D. Conn. Docket # 3:03CV0554(JCH))

State of Connecticut v. Aventis Pharmaceuticals, Inc. (D. Conn. Docket # 3:03CV0557(JCH))

State of Connecticut v. Dey, Inc., et al. (D. Conn. Docket # 3:03CV0572(JCH))

Dear Judge Saris:

This letter is to advise you that the STATE OF CONNECTICUT, plaintiff in the above entitled matters, has withdrawn its motion to vacate the conditional transfer order (CTO-11) entered by the Judicial Panel on Multidistrict Litigation, and supporting papers. A copy of the notice to the Clerk of the Judicial Panel on Multidistrict Litigation is attached.

By way of background, the STATE OF CONNECTICUT commenced all four of its cases in the STATE OF CONNECTICUT's own state court — the Superior Court for the Judicial District of Hartford. The causes of action pleaded in the STATE OF CONNECTICUT's complaints arise exclusive under Connecticut state law.¹ Significantly, no allegations are made concerning the defendants' reporting of a "best price" under Medicaid nor are any claims made with respect to the Medicaid rebate program. 42 U.S.C. § 1396r-8. In this respect the STATE OF CONNECTICUT's complaints resemble the claims made by the STATE OF MINNESOTA in *State of Minnesota v. Pharmacia Corp.*, Civil Action No. 03-10069 PBS (D. Mass.), in which the court granted a motion for remand to state court, for which a motion to reconsider is pending.

All four cases were removed by the defendants to the United States District Court for the District of Connecticut, and consolidated together by that court. The STATE OF CONNECTICUT

¹The complaints make serious allegations of unlawful and deceptive trade practices under Conn. Gen. Stat. §§ 42-110m and 42-110o. These statutory subsections are part of the Connecticut Unfair Trade Practices Act, Conn. Gen. Stat. §42-110a *et seq.* ("CUTPA").

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filed motions for remand to state court in all cases, on the ground that there is no federal jurisdiction. The motions for remand were all fully brief prior to the entry of the conditional transfer order. However, the motions for remand to state court have not yet been acted upon.

The STATE OF CONNECTICUT respectfully requests that the pending motions for remand to state court be ruled upon at the earliest possible opportunity. These motions would be governed by the court's decision in *State of Minnesota v. Pharmacia Corp.*, Civil Action No. 03-10069 PBS (D. Mass.).

This court has already scheduled a status conference for the State cases for September 10, 2003. This court has also scheduled the remand motion by the PEOPLE OF THE STATE OF NEW YORK for this same date. We respectfully request that the STATE OF CONNECTICUT'S pending and fully briefed motions for remand to state court be scheduled at the same time.

Thank you for your consideration.

Respectfully,



Robert B. Teitelman
Assistant Attorney General

c: MDL Panel involved counsel list (CTO-11) (copy attached)

PANEL SERVICE LIST (Excerpted From CTO-11)
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION

State of Connecticut v. Glaxosmithkline PLC, et al., D. Connecticut, C.A. No. 3:03-553
State of Connecticut v. Pharmacia Corp., D. Connecticut, C.A. No. 3:03-554
State of Connecticut v. Aventis Pharmaceuticals, Inc., D. Connecticut, C.A. No. 3:03-557
State of Connecticut v. Dey Inc., et al., D. Connecticut, C.A. No. 3:03-572

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via mail and facsimile: (202)502-2888

Michael J. Beck
Clerk of the Panel
Judicial Panel on Multidistrict Litigation
One Columbus Circle, NE
Thurgood Marshall Federal Judiciary Building
Room G-255, North Lobby
Washington, DC 20002-8041

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Dear Mr. Beck:

The STATE OF CONNECTICUT, plaintiff in the above entitled actions, hereby withdraws its Motion to Vacate Conditional Transfer Order (CTO-11), along with all supporting papers, dated June 13, 2003 and filed with the Judicial Panel on Multidistrict Litigation. The STATE OF CONNECTICUT is hopeful that the transfer can be processed expeditiously in order for pending motions for remand to state court to be considered promptly by the transferee court.

Very truly yours,

A handwritten signature in black ink, appearing to read "R.B.T." followed by a stylized surname.

Robert B. Teitelman
Assistant Attorney General

c: involved counsel list (CTO-11) (copy attached)

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